

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

SHIRDENIA BRYANT, et al.	:	Civil Action No. C-1-02-006
Plaintiffs	:	(Judge Spiegel) (Magistrate Judge Sherman)
vs.	:	
PRESCOTT BIGELOW, IV, et al.	:	<u>DEFENDANTS PRESCOTT</u> <u>BIGELOW IV AND ROSEANNE</u>
Defendants	:	<u>CHRISTIAN MOTION TO</u> <u>COMPEL DISCOVERY</u>

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The Defendants, Prescott Bigelow, IV and Roseanne Christian, by and through counsel, pursuant to Rule 37(a) of the Federal Rules of Civil Procedure, hereby move this Court for an Order compelling production of documents from the Plaintiffs. Defendants have requested on several occasions that Plaintiffs produce their federal income tax returns for inspection and copying. To date, the returns have not been produced. In addition, Defendants have requested an employment resume from Defendant Curtis, which has not been produced.

Further, the discovery deadline in this case is October 1, 2003.

In further support of this motion, Defendants submit the affidavit of Gary R. Lewis, attached hereto as Appendix A, and the following memorandum.

MEMORANDUM IN SUPPORT OF MOTION

The financial information and the tax returns of the Plaintiffs are discoverable and are relevant to the Plaintiffs' claims. Plaintiffs are asserting that they lost equity in their homes as a result of the conduct of the Defendants. The ability or inability of the Defendants to meet their

financial obligations, including mortgage payments, is relevant to the claims of Plaintiffs and the defenses asserted by Defendants. Prior to the transactions involving Defendants, both Plaintiffs defaulted on financial obligations, which resulted in foreclosure proceedings. After the transactions involving Defendants, Plaintiffs defaulted on financial obligations, resulting in an eviction and foreclosure. The requested tax returns are relevant to Plaintiffs' claims, Plaintiffs' damages, and defenses asserted by the Defendants.

Respectfully Submitted,

Gary R. Lewis Co., L.P.A.

/s/ Gary R. Lewis
GARY R. LEWIS, #0017697
Attorney for Defendant Prescott Bigelow and
Defendant Roseanne Christian
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion of Defendants Prescott Bigelow IV and Roseanne Christian To Compel Discovery served upon William H. Blessing, Esq., and James Schwantes, Esq., Attorneys for Plaintiffs, 119 East Court Street, Suite 500, Cincinnati, Ohio 45202 by regular U.S. Mail, postage pre-paid this 1st day of October, 2003.

/s/ Gary R. Lewis
Gary R. Lewis
Attorney for Defendant Prescott Bigelow and
Defendant Roseanne Christian